

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA, as
Trustee for, THE CONFEDERATED
TRIBES OF THE COLVILLE INDIAN
RESERVATION,

Plaintiff,

v.

RANDY ZACHERLE, TAMI ZACHERLE,
and JOHN DOES I-X,

Defendants.

No. CV-06-0304-FVS

ORDER GRANTING PLAINTIFF'S
MOTION FOR DEFAULT JUDGMENT

BEFORE THE COURT is Plaintiff's Motion for Judgment upon Order of Default. (Ct. Rec. 7). Timothy M. Durkin represents Plaintiff. Defendants Randy and Tami Zacherle have failed to respond or otherwise contact the Court with respect to the instant action.

On November 2, 2006, Plaintiff filed a complaint for writ of eviction and for monies owed. (Ct. Rec. 1). On November 21, 2006, Defendant Randy Zacherle was served with a copy of the Summons and Complaint in this action by the United States Marshal at Okanogan, Washington, and Defendant Tami Zacherle was served with a copy of the Summons and Complaint in this action by the United States Marshal at Nespelem, Washington. (Ct. Rec. 7 ¶ 1). The return of service was filed with the Court on November 27, 2006. (Ct. Rec. 2). On February

1 6, 2007, Plaintiff moved for entry of default against Defendants.
2 (Ct. Rec. 3). An order of default against Defendants was entered on
3 February 27, 2007. (Ct. Rec. 5).

4 Plaintiff has demonstrated that Defendants are indebted to
5 Plaintiff in the amount of \$100,025.16.¹ (Ct. Rec. 7 ¶ 3). This
6 balance includes 60 months rental at \$1,000.00 per month, less
7 \$4,163.89 Defendants paid, plus accumulated interest, at the contract
8 rate of 18% per annum (\$28,025.16), less an offset of \$2,836.11, plus
9 an additional \$19,000.00 for 19 months of rent from September 1, 2001
10 to March 17, 2003, at \$1,000.00 per month. (Ct. Rec. 7 ¶ 3).
11 Defendants are additionally liable for Plaintiff's costs (\$402.41), as
12 well as post-judgment interest at the legal rate until paid in full.
13 (Ct. Rec. 7 ¶¶ 6-7).

14 Having complied with the requirements of Fed. R. Civ. P. 55 and
15 LR 55.1, Local Rules for the Eastern District of Washington, and the
16 Court being fully advised,

17 **IT IS HEREBY ORDERED:**

18 1. Plaintiff's motion for default judgment as to Randy Zacherle
19 and Tami Zacherle (Ct. Rec. 7) is **GRANTED**.

20 2. **JUDGMENT IS RENDERED IN FAVOR OF PLAINTIFF AND AGAINST**
21 **DEFENDANTS FOR THE AMOUNTS DESCRIBED ABOVE.**

22 ///

23 _____
24 ¹Plaintiff also indicate that Defendants continued to
25 detain/trespass for an approximate additional 51 months, from
26 March 2003 through at least June 2007. Although Defendants would
thus be liable for an additional \$51,000.00, Plaintiff, at this
time, is not seeking judgment for this additional amount. (Ct.
Rec. 7 at 3).

1 **IT IS SO ORDERED.** The District Court Executive is directed to
2 enter this Order and forward a copy to counsel and Defendants.
3 Judgment shall be entered for Plaintiff and the file shall be **CLOSED.**

4 **DATED** this 10th day of November, 2008.

5
6 S/Fred Van Sickle
7 Fred Van Sickle
8 Senior United States District Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26